

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK**

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PRESS RELEASE

FROM: TOM KEARNEY

**TO: SPRINGETTSBURY POLICE DEPARTMENT POLICE CHIEF THOMAS HYERS
SGT MATTHEW NICKEY, PENNSYLVANIA STATE POLICE, HARRISBURG BARRACKS**

CC: MEDIA
ATTORNEY CHRISTOPHER FERRO
ATTORNEY BRIAN PERRY

DATE: SEPTEMBER 5, 2013

Re: Investigation of alleged Police Misconduct involving Debra Lynn Williams

This investigation was initiated upon request of the author after allegations surfaced that members of the Springettsbury Township Police assaulted Debra Lynn Williams during her arrest. It was conducted by Sgt. Matthew Nickey from the Harrisburg Barracks of the Pennsylvania State Police. The purpose of the investigation is to determine whether criminal charges should be filed against member(s) of the Springettsbury Township Police Department. For the reasons hereinafter stated, it is the opinion of the District Attorney that criminal charges are not appropriate.

The materials reviewed by this author included:

1. One (1) compact disk (CD) consisting of mobile video recorder footage from Springettsbury PD patrol vehicle where Ms. Williams was detained.
2. One (1) compact disk (CD) containing ten (10) recorded interviews conducted by Sgt Nickey.
3. The Springettsbury Township Police Department report and attachments for incident #2011-0402-M0006 involving the arrest of Ms. Williams.
4. The medical record (and release) for Prime Care Medical (York County Prison) involving the medical records of Ms. Williams dated April 2, 2011
5. Copies of booking photo of Ms. Williams from York County Prison, dated 04/02/11.

6. Medical record (and release) for WellSpan Health (York Hospital) involving the medical records of Ms. Williams, dated 04/02/11.
7. Medical record (and release) for Good Samaritan Hospital involving the medical records of Ms. Williams; dated 04/03/13 and 04/10/13.
8. Property records listing evidence held in secure Pennsylvania State Police custody (consisting of the two CD's mentioned in items 1 and 2).
9. A copy of the lawsuit filed by Boyle Litigation on behalf of Debra Williams.
10. A copy of the Pennsylvania Municipal Police Officers' Education and Training Commission (MPOETC) curriculum for "Use of Force in Law Enforcement."
11. A copy of MPOETC training records for officers Moyer and Hadfield.
12. Curriculum Vitae of Sgt. Charles Mory (PA State Police Academy Instructor).
13. Written opinion of Sgt. Charles Mory (PA State Police Academy Instructor) involving the use of force in this instance.
14. Preliminary hearing transcript of proceedings before Magisterial District Judge Barry Bloss dated May 12, 2011 in the case of Commonwealth v. Debra Williams.
15. Discovery provided on June 13, 2011 to Ms. William's counsel in the criminal proceeding, consisting of charging documents, written statements of witnesses, criminal history information, and the use of force report prepared shortly after the incident by the involved officers.
16. Clerk of Court Criminal Docket and records involving case CP-67-CR-0003018-2011 involving Ms. Williams, including the written plea colloquy and transcript of guilty plea to Simple Assault involving the events of April 1-2, 2011.

Factual Background:

Interviews were conducted by the Pennsylvania State Police investigator of those parties present that evening. All requested parties cooperated, including the Ms. Williams and the police officers involved.

Prior to the police arriving

Debra Williams: Initially the investigator asked Debra Williams to rate her memory of the events that occurred on April 2, 2011 on a scale of 1-100. She replied that she would rate her memory at 75 to 80 on a scale of 100.

Ms. Williams describes that on the evening of April 1, 2011, she drove from York to Lebanon to have dinner with family (her daughter, son, and daughter-in-law). She then drove back to York

(her residence at the time, 334 Wynwood Road) about 7 or 8 PM. Present at that time were relatives of her boyfriend, Joe Ryan Jr. They consisted of: Mary Ryan (his mother), Joe Ryan Sr. (his father), Glen Lehr (his cousin), and his grandmother (name unknown – now deceased). Her boyfriend, Joe Ryan, Jr. was still at work at this point.

She then went to a bar at about 10 PM with Glen Lehr and had a few drinks. Joe Ryan Jr. (her boyfriend) picked them up at the bar at around 1 AM. While at the bar Williams indicated that she consumed approximately 4-5 bottles of beer. She denied consuming drugs at all on that date and indicated she did not drink alcohol anywhere other than the bar that night. She indicated that she was "somewhat" intoxicated and stated that it does not take very much alcohol to get her to that point.

Joe Ryan, Jr. drove all home. Present in the home at that time were all the individuals listed above with the addition of Joe Ryan Jr. After they were home Williams indicated that she placed a phone call to her son, (Edward Williams, Jr., and started to become upset about a relationship issue between her husband (Edward Williams, Sr.), his girlfriend (at the time), and the way the girlfriend was treating Debra Williams' daughter. Williams explained that she is bi-polar and that this conversation caused her to get more and more upset and that she eventually went into an "episode." During this episode Williams indicated that she "started to make a scene."

During the episode Williams indicated that she attempted to hurt herself by taking Seroquel pills. She indicated that her boyfriend, Joe RYAN, Jr., attempted to stop her. This began in her bedroom and ended downstairs in the kitchen. A physical altercation ensued during which her boyfriend restrained her to prevent her from hurting herself.

Williams described that her boyfriend put her down on the floor and held her down. Williams added that she was attempting to get a knife to hurt herself but her boyfriend kept her from it. When asked, Williams indicated that she was struck in the side of the head by Joe Ryan, Jr. (boyfriend) during this scuffle. Her boyfriend yelled for his family to call 9-1-1 and eventually the police officers (Moyer and Hadfield) arrived.

It is noted that Ms. Williams has a criminal record history that involved guilty pleas to; Driving under the influence, Resisting Arrest, Misdemeanor Disorderly Conduct, Reckless Endangerment, Endangering the Welfare of a Child, and Terroristic Threats, all of which occurred on March 30, 2008.

Joseph S. Ryan Jr.: Joe Ryan Jr. was Deb William's boyfriend. He indicated that Debra Williams went out to the Wiener World Bar and Grill on the night in question with his cousin, Glen Lehr. Ryan was at work while they were at the bar. When Ryan got off work he went to pick them up. Ryan indicated that he had not consumed any alcohol that night. He arrived at the bar just after 2:00 a.m.

He found Glen at the door as the bar was emptying out. However, he did not see Debra so he went to the rear of the bar where he saw a strange male pushing Debra up against a wall. Ryan indicated that he got out and yelled at the male and the male ran off. As the male ran away he threw Debra down toward the ground. As Debra fell she struck some trash cans that were nearby. RYAN described that she hit the trash cans hard "very forcefully." Ryan had to assist Debra to the vehicle. Ryan indicated that when they got to his car Debra was so intoxicated that she could not get in unassisted. He related that he had to pick her up and put her in the car.

When they arrived home Ryan related that he assisted Debra out of his vehicle. As they walked inside Debra stumbled and fell on steps and injured her finger. She complained about pain in her finger to Ryan. Ryan indicated that once inside, they went upstairs and he got onto the computer. He said that Debra called her son and daughter-in-law.

As the call progressed, Ryan heard Debra getting upset about her daughter and the custody arrangement. Ryan felt that she was getting more and more upset. Debra started screaming and yelling and saying that she could die. Ryan described her as very depressed and suicidal. He heard her say that she should take her pills and just go. Ryan continued to try and calm her down.

Ryan related that when he tried to console her she started pushing away, calling him names, pounding on his chest, and swinging at him. Ryan noted that he planned to let her beat on him hoping she would wear herself out and pass out. Ryan also related that Debra kicked him between the legs, swatted at him, and that he had to pull her hand away from his face during the altercation.

Ryan indicated that during the scuffle Debra stumbled and fell down on the ground. She eventually made her way downstairs and wanted to leave. Ryan said that he chased her downstairs, got her pills away from her, and placed her in a bear hug in the kitchen with her arm behind her back. Ryan related that he wanted to get her an ambulance to take her to York Hospital for a mental health commitment to prevent her from taking pills. His father, Joe Ryan Sr. called 911 because of screaming and yelling.

Joe Ryan Jr also provided a written statement to police the night of the incident consistent with his interview. In that statement he writes he picked up Debra Williams at a bar just after 2:00 a.m. She was intoxicated. Upon returning to the residence, Ms. Williams became physically sick and argumentative. She claimed to be "done with everyone" and "wished she were dead." She also became physically abusive towards Joseph Ryan Jr., and according to Joseph attempted to take her depression medication to end her life. She was stopped by Joseph and physically restrained by him. Joseph described her as "out of control", striking not only Joseph in the groin and face, but her own self as well, and claiming she wanted to die. Joseph had other family members call York County Control and restrained her until police arrived. Minor bleeding and scratching injuries were observed by police on Joseph Ryan Jr. at the time his statement was taken.

Mary E. Ryan: Mary is the mother of Joe Ryan Jr, who was the boyfriend of Debra Williams. Mary stated that at the time of this incident both her son Joe Ryan, Jr. and his girlfriend, Debra Williams lived with her and her husband, Joe Ryan, Sr. On the night in question, she and her husband had gone to bed but were awakened when they heard a loud noise like something falling and banging. They then heard a lot of screaming.

When they went upstairs to investigate Joe Ryan, Jr. told Mary to go back downstairs before Williams knocked her down. Mary indicated that Williams was screaming and belligerent. She explained that Williams was yelling for her pills and saying she wanted to kill herself. Williams was also swinging her arms around. Mary related that eventually, her son got Williams downstairs in the kitchen and was able to hold her down in a squatted position on the floor until the police arrived.

Mary Ryan also gave a written statement on the night of the event. In it she describes waking to Ms. Williams screaming that she wanted to die. Going upstairs, Mary observed Debra “swinging and swearing” while her son made efforts at restraining Ms. Williams as the Joe Jr. and Mary moved downstairs. She then describes Joe holding her down until the police arrived.

Joseph S. Ryan Sr.: Joe Ryan Sr. remembered that he went to bed on the night in question and woke up when he had to use the bathroom. While he was up he heard a “ruckus” upstairs. He yelled up to his son and Debra Williams to calm down. Joe Sr. then heard them yelling back and forth at each other. He then heard a loud crash (possibly a dog food dish).

Joe described Williams as very belligerent. He then heard his son say, “Dad, call the cops, she is trying to kill herself.” Joe Sr. then called 911. Joe described that Williams nearly knocked his wife down the stairs. The scuffle eventually made its way to the downstairs kitchen where his son was able to hold Williams down on the floor on her stomach/right side and restrain her until the police arrived.

Joe Ryan Sr.’s written statement the night of the event talks about waking to use the bathroom and hearing the argument. When he went to see what was happening, that is “when it all erupted.” He called 911 at the request of his son while Debra was “screaming and acting out.” He then stayed on the phone until police arrived.

Ina Marie Williams: Ina is the daughter-in-law of Debra Williams. Ina indicated that she does recall the night of this incident and that she was at her home in Lebanon at that time. Ina related that she spoke to Debra Williams and to Joe Ryan, Jr. on the phone that night at around 10:00 pm. The initial call came from Joe Ryan, Jr.

Ina related that Joe told her that Debra Williams came back from the bar that night intoxicated and was “flipping out.” Joe asked Ina and her husband, Edward Williams, to speak to Debra Williams and attempt to calm her down. When they were unable to calm her down, they told Joe he would be stupid not to call the police on Debra because she was out of control.

Ina indicated that she then continued speaking to Debra Williams on the phone because she can often calm her down. Ina related that she offered to come and get Williams but Williams did not want her to. Ina related that Debra Williams was saying she wanted to kill herself and that she wanted to kill Joe Ryan, Jr. during the phone call.

Ina also believed that Debra Williams had been caught attempting to cheat on Joe Ryan, Jr. at the bar that night. Ina related that Williams was screaming and fighting while on the phone. She heard Williams say that she was going to get a knife. She also heard Joe Ryan, Jr. yell for his father (Joe Ryan, Sr.) to call 911 for an ambulance.

Ina related that she heard the police arrive and that she heard Debra Williams get even louder and angrier at that point. She heard the police telling Williams to calm down, telling her she was not in trouble, and they just wanted to move her out of the house to talk. Ina heard Williams continue to yell and the police ordering her to “stop kicking” and “stop spitting.” Ina heard Williams yelling and the police continue to order her to stop. She then heard the door close. She could not hear anything further because the open phone line was inside the house. Ina was under the impression that Williams was upset that the police were taking her out the door instead of Joe Ryan, Jr.

Edward Lee Williams Jr. Edward is the son of Debra Williams and the husband of Ina Williams. Edward indicated that on the night in question he was at home in Lebanon when Joe Ryan Jr. (his mother's boyfriend) called him. Edward related that Joe called him and told him that his mother had gone into an "outraging fit." Joe Ryan Jr. requested Edward to try to calm her down. Edward indicated that he agreed and spoke to his mother, Debra Williams. He related that she told him she was going to kill Joe Ryan, Jr. and his parents because they were "assholes." She also threatened to kill herself. Edward indicated that his mother was upset that these people (as well as he and his wife) "spoil" her daughter by buying her things. She felt that this was causing her daughter to dislike her.

Edward related that his mother got very upset and gave the phone back to Joe Ryan, Jr. Edward indicated that he then advised Joe to call the police on his mother.

Edward indicated that he has had many experiences like this one with his mother in the past. Edward was asked if his mother has any conditions or medical issues. He related that he does not think she has any conditions and he feels that she simply acts this way to "get attention."

Post Police Arrival and entry of Debra Williams into the police vehicle.

Debra Williams: Ms. Williams indicated that initially Officer Hadfield arrived alone and told Joe Jr. to get off of her. Ms. Williams indicated that Officer Hadfield ordered her to stay on the ground. However, when Joe released her she attempted to get up despite the Officer's orders to the contrary. She related that Officer Hadfield then pushed her back down to the floor by putting his knee in her back (later in the interview Ms. Williams claimed that this action by Officer Hadfield broke one of her ribs). Officer Hadfield then handcuffed Williams behind her back and took her out to the car.

Joseph S. Ryan Jr.: When the police arrived, Ryan related that they told him to let her go. Ryan said that the other officer slammed his knee onto her ribcage and it looked "a little bit forcible to me, that's my opinion."

The investigator asked Ryan if he felt the officer was trying to hurt her or to gain control of her. Ryan replied that he thought the officer was trying to get control but it was "in a forceful manner the way it looked." Ryan explained that Debra screamed when the knee strike landed. The officers were able to handcuff Debra. Ryan said that Debra was crying really hard, her nose was running, she was screaming, and she was spitting downward. He indicated that he watched her going to the squad car and spitting toward the ground. He did not feel she was spitting toward the officers. Ryan said he did hear one of the officers say "you spit on me."

Ryan clarified that he did not see anything else that occurred outside the residence between police and Debra Williams. He did hear Williams screaming but he could not make most of her words out clearly other than some swearing.

Mary E Ryan: Mary related that the two police officers arrived and said they would handle Williams. They were told that Williams was suicidal. She said that the officers were trying to calm Williams down. When her son released Williams, Mary described that Williams "went ballistic" and stood up. Mary described that Williams then went "really crazy; bananas." At this

point Mary saw one of the officers strike Williams with his knee. Williams cried out and fell back down to the ground and into a stove. Mary indicated that the police then took Williams out the front door.

Mary asked the Officer if Williams was hurt and he replied no. The investigator then asked Mary what she thought when she saw the officer use the knee strike. Mary replied that she asked, "They do this to crazy people?" Mary also said that she thought they would have handled it a little different because she was suicidal (ambulance instead of police).

Mary indicated that the police took Williams out the front door. She did not see Williams spitting but she did see Williams face was full of snot. From that point she did not really see anything more but she did hear a lot of screaming and "nasty words" coming from outside.

Mary indicated that when she went to her front door she saw a female officer arrive. Mary related that she heard the female officer say "that was uncalled for." Later in the interview she indicated that the female officer said "that was inappropriate."

The investigator asked Mary if she thought the officer was trying to injure Williams or trying to get her under control when he used the knee strike. She replied that she thought the officers' actions were inappropriate and it was handled in the wrong way.

After the date of this incident, Williams showed Mary a bruise on one side of her ribs (towards the front). Mary described the bruise as the size of a soft ball and black and blue. Williams apologized to Mary for her actions. Williams also told Mary that she did not think she should have gone to jail that night, but to the psych ward. Mary indicated that Williams did not seem angry with the officers but was upset about where they took her (jail rather than hospital).

Joseph S Ryan Sr.: Joe Sr. related that two officers arrived at the residence. Joe indicated that the officers tried to calmly talk to Williams and explain that he was going to place cuffs on her. Joe stated that when his son got off of Williams she did not immediately jump up. Rather she laid there until the officer tried to place her arm behind her back. Joe indicated that Williams then resisted violently and started kicking. He related that Williams was trying to roll onto her stomach to resist arrest.

Joe said that his attention was drawn to the other officer (he wasn't looking at Williams at the time) when he heard Williams yell that the officer had broken her ribs. Joe related that the officer placed cuffs on Williams. Williams was actively resisting, kicking, cursing, and spitting at them. Joe described that Williams was putting up a "heck of fight with the officers." They then took her out of the residence. When they did so, Williams continued to resist and banged her head (left side) on a post at the walkway.

Joe explained that Williams was very intoxicated that night. He also related that he heard Williams threatening suicide that night. He stated that he is retired military and is familiar with arrest procedures.

The investigator then asked Joe if he thought the officers were attempting to injure Williams or attempting to gain control of her. Joe related that in his opinion the officers did not use excessive force. He felt they used the force that was necessary to control the situation. Joe did see

Williams struggling with the officers as they walked toward the patrol car but did not see anything further that occurred outside. He did hear Williams yelling and being belligerent outside.

Joe related that he has not spoken to Williams since this incident. Joe summarized by saying that he felt the officers controlled themselves in a professional manner. He felt that they had to subdue Williams to be able to arrest her.

Corporal Brian M. Alu: Cpl. Alu has worked for Springettsbury Township Police Department for 13 years and has been a corporal for 6 years (11 years and 4 years at the time of the incident). ALU recalled that he was working the night of this incident. When the call came in he was at the Springettsbury police station doing paperwork. The call came in as a “domestic, physical.”

Cpl. Alu related that he responded due to the fact that it was a physical domestic. When he arrived Officer Hadfield and Officer Moyer were bringing Debra Williams out of the residence in handcuffs. Alu noted that Williams was struggling with the officers and resisting their efforts to take her to the vehicle. Alu recalled that Williams was resisting getting into the vehicle (refusing to obey commands and being combative) so Officer Moyer drove stunned her with his taser. When asked, Alu related that he felt it was appropriate for Moyer to use the drive stun in that situation. The officers were then able to secure Williams in the vehicle. Alu then went back into the residence to assist with interviews.

He spoke with the complainant, Joe Ryan Jr., and his parents. Alu indicated that they told him that Williams had come home intoxicated and attempted to take pills. This started an argument that became physical. Alu related that during the interviews he heard commotion outside. He then walked outside to see what was going on.

Officer Gregory Hadfield: Officer Hadfield indicated that he has been working for the Springettsbury Township Police Department (STPD) for about 6 years when this incident occurred. He worked for the city of Ferndale (as a police officer, Ferndale is just outside Detroit, Michigan) for about 3 years prior to STPD. He was certified as a police officer in Michigan.

On the night of this incident, Hadfield indicated that he was working for STPD on the midnight shift. He received a dispatch for some type of disturbance. He believed that he was the first officer to arrive and that Officer Moyer arrived shortly after. Hadfield went inside the residence and observed Debra Williams lying on her stomach on the kitchen floor. He also saw that Joe Ryan, Jr. was holding Williams down. Williams was screaming profanities and stating she wanted to kill herself.

Hadfield recalled that he asked Ryan to get up so he could cuff Williams. Ryan then warned Hadfield that Williams would get up and resist and said to Hadfield “she’s gonna fight you.” Hadfield indicated that he warned Williams not to get up and told her to place her hands behind her back. However, as soon as Ryan got up, Williams started to push up.

Hadfield indicated that he struck Williams in the ribs with his right knee with enough force to push her back down. He later explained that he was not simply trying to strike Williams, but was attempting to knock her off balance so that he could get back on top of her. He then struggled to get her hands behind her back and get her in handcuffs. The investigator asked Hadfield if he had considered any other use of force at this point and he explained that he did not have the time or

space to create distance in order to use OC spray or his Taser. Hadfield related that he had to gain control of Williams.

The investigator asked Hadfield why he was taking Williams into custody. Hadfield replied that at that point he was simply trying to get her handcuffed for safety so that he and the other officers could investigate what had occurred. He pointed out that there were knives around (they were in the kitchen) and he was attempting to secure the scene.

Hadfield related that he told Williams to calm down repeatedly. Williams refused to get up and was resisting and pulling away as the two officers tried to walk her outside. Once they were outside Williams lifted her feet and the officers had to carry her to their vehicle. Hadfield recalled that Williams continued to scream and swear as they walked to the car.

Hadfield indicated that he turned on the camera in the car because he “wanted everything on camera.” He wanted to document Williams’ behavior. Hadfield also explained that he had to manually switch the camera to “rear mode” (back seat).

In his testimony at the preliminary hearing, Hadfield indicated “We could hear yelling from the street as we approached the house and rushed in.” Entering, he observed Ryan Jr. holding Williams down as she was cussing, screaming and making comments about wanting to kill herself. He directed Ryan to get up and grabbed onto Williams. She started to get up and he told her to get down. She refused and Hadfield gave her a knee strike to the ribs. She then went down and was handcuffed.

According to Hadfield “She wouldn’t listen to our commands to get up and walk out. She was completely belligerent and resisting the entire way.” He describes Officer Moyer and himself as having to “physically pick her up and drag her out of the house.” He relates: “As soon as we exited the front door, she seemed to get louder and she started screaming ‘fuck you Joseph.’ You name it; she said it, and screaming at the top of her lungs.”

Officer Chad Moyer: Officer Moyer had been working at the Springettsbury Township Police Department for 3 years at the time of this incident. He recalled that he was working the midnight shift on the night in question.

He related that he was dispatched to 334 Wynwood Road for an active domestic. He received information via radio that the involved female, Debra Williams, was out of control and being held down. He believed that he and officer Hadfield arrived at about the same time. Moyer remembered that there was a lot of yelling and screaming coming from the kitchen area.

Upon entering the kitchen he observed several family members (at least 2-3 individuals) holding Debra Williams down on the floor. Moyer recalled that Officer Hadfield instructed Williams to “stay on the ground and don’t move.” He then asked the other family members to release her. Moyer indicated that Williams attempted to get up to her feet but Hadfield delivered a knee strike to her right side. The strike caused Williams to fall back down to the ground. He and Hadfield were able to get Williams into handcuffs.

Moyer related that Williams continued to yell profanities at everyone (officers and family members). She was also flailing around and refusing to stand. The officers picked her up and

carried her out to the patrol vehicle. Moyer remembered that he had her legs and that Hadfield had her upper body as they carried her.

Moyer indicated that Williams yelled so loudly outside that neighbors woke up and came outside. When they attempted to place her in the vehicle she resisted by placing her feet on the outside of the patrol vehicle and pushing back. Moyer related that they struggled to get her in the vehicle for several minutes. Since their efforts were not working, Moyer indicated that he removed the cartridge from his Taser and delivered a short drive stun to William's calf. Williams then complied and entered the vehicle.

Moyer recalled that Hadfield then turned the in car camera on (he later explained that this was done manually by Hadfield and that it would not automatically come on in this situation).

At the preliminary hearing, Officer Moyer confirmed hearing the yelling and screaming coming from inside the residence upon the arrival of himself and Officer Hadfield which happened almost simultaneously. Upon entry they observed a male on top of a female holding her down.

"We told the male to get off the female. The female was told to stay on the ground. She refused at that time. And Officer Hadfield delivered a compliance strike to her ribcage."

Moyer describes her as then being placed in handcuffs. "As we attempted to remove her from the house, she acted as dead weight and we physically had to carry her out of the house into Officer Hadfield's patrol vehicle." Before entry was made and while outside, "she continued to yell and scream loudly, yelling profanities at us."

"As we got her to the car, Officer Hadfield and I attempted to place her into the control vehicle. She resisted. She refused. At that time I used my taser, gave her a drive stun to the calf and she finally complied and was placed into the patrol vehicle."

Post Vehicle entry events

Debra Williams: At the car Ms. Williams indicated that she was placed inside. She related that she was angry about her daughter and that the police wouldn't tell her anything. She felt that she had not done anything to justify an arrest. She indicated that she was yelling and kicked the partition in the police vehicle. Officer Hadfield then pulled her back out and placed her on the ground. The officers shackled her ankles and placed her back in the vehicle.

Ms. Williams indicated that at this point Officer Hadfield hit her twice in the face which knocked her down on the seat. He then pulled her back up and placed his arm around her neck from behind her. She indicated that his hold was so tight she could not open her mouth to talk. She indicated that she could not breathe well, but she was able to get air. Officer Moyer tasered her calf and the bottom of her foot and hit her in the ribs. Ms. Williams indicated that at one point Officer Moyer told her "Don't kick me or I'm going to drill you." The police were then able to close the car doors.

Williams was then taken to York Hospital in Hadfield's car. Williams indicated that she asked the hospital to check her rib. Williams did not recall much other detail from the hospital because she indicated that she was sedated.

Williams was then transported to York County Booking. She placed a phone call to her daughter-in-law, Ina Williams.

Williams indicated that she had been depressed for weeks before this incident and was depressed throughout the evening on April 1, 2011 and the day of April 2, 2011.

Williams indicated that she was “covered in bruises” the next day. She alleged that the injuries were caused by the police officers. She alleges that she complained about her rib to York Hospital and to the medical staff at the York County Prison. Williams indicated that she did not photograph any of her injuries. She related that she did show her injuries to her father, Roy Harrison, her son Edward Williams Jr., her daughter Kiara Williams, her, daughter-in-law, Ina Williams and friends.

Williams denies that she kicked or struck at the officers during their encounter. She admits that she was kicking her legs (but not at the officers) and that she was pulling back or away from the officers. She relates that she pulled her legs up when she was struck in the rib because her injury hurt. She indicated it may have looked like she was kicking but she was not. Williams denied spitting at the officers at any time.

Williams was asked if she was told to stop resisting or given commands by the officers. She indicated that yes, they were giving her multiple commands to stop this or don’t do that. She related that she was not fighting with the officers but admitted that she was “mouthing” with them. When asked if she complied with orders to stay still she replied “mostly, yeah.”

Ms. William’s attorney, Mr. Jacobs was present when Ms. Williams met with the investigator. Attorney Jacobs has Ms. Williams explain her medication situation at the time of this incident. Williams explained that she should have been taking 4 separate medications: Celexa (anti-depressant), Lamictal (treats seizures and mood disorders), Vistaril (anti-anxiety), and Seroquel (treats bi-polar disorder, depression, etc.). Williams explained that due to her economic situation she did not have Celexa or Lamictal available. She had a limited supply of Vistaril and therefore did not take it that day. She indicated that she did take her Seroquel as prescribed. The Vistaril was prescribed to be taken “as needed.”

Attorney Jacobs then prompted Ms. Williams to explain that she is now frightened to interact with police (since the previously described encounter).

Of note is that at her Preliminary Hearing on May 12, 2011, Ms. Williams presented to the Court records of ten (10) past admissions to Philhaven Hospital between April, 2004 and October, 2008 containing diagnoses of Major Depression, recurrent, severe. Admissions varied as to whether psychotic features were present. Alcohol abuse was of concern. Possible Bi-polar indications were noted and at the Preliminary Hearing, Ms. Williams stated to the Magisterial District Judge that “the episode that I had gone through that night was a bipolar episode. In Ms. Williams written and oral plea colloquy before the Common Pleas Court, regarding the events of April 2, 2011, she notes she was having a bipolar episode while fighting with Joseph Ryan Jr., and didn’t have all of her medications.

Joe Ryan Jr: As stated earlier Joe Ryan Jr. that he did not see anything that occurred outside the residence or in the police vehicle between police and Debra Williams. He did hear Williams screaming but he could not make most of her words out clearly other than some swearing.

Later when Ryan spoke with Williams by phone she did not mention any mistreatment by police. He explained that Debra just apologized to him for how she acted that night.

A day or two later, Ryan told the investigator said he saw Debra in person. She showed Ryan her rib area. Ryan described that he saw a red/blue bruise that was starting to get purple. He said it was in the shape of a "U" and about the size of a softball. He could not remember what side it was on. Ryan related that he told Debra to get it checked out. Ryan said that Debra kept putting it off and did not get it checked out. He said that she complained of pain every now and then.

Ryan was with Debra Williams (as her boyfriend) for about 1 year after this incident before they went their separate ways. Ryan indicated that over that first year Debra spoke to him and told him that officers had struck her and tasered her while she was in their car. Ryan related that she was upset with how she was treated. He described Debra as angry with how she was treated by police and at the hospital by hospital staff.

Officer Jennifer Kennedy:

Officer Kennedy indicated that she has worked for Springettsbury PD for about 5 years at the time of the incident.. She recalled that she was working on the night that this incident occurred. She related that the call came in as "a female that was out of control, possibly a 302, a mental health case."

She indicated that she was third to arrive behind Officer Hadfield and Officer Moyer. When she arrived the female was already in the back of the cruiser. The female was kicking, screaming, yelling, and saying she wanted to die. Kennedy related that the female was clearly going to hurt herself if she continued to kick at the glass. A decision was made to remove her from the vehicle to place her in leg shackles.

Kennedy indicated that when Officer Moyer and Hadfield removed Williams she continued to kick and scream. Kennedy related that she was attempting to calm Williams down by verbally reassuring her and telling her that the restraints were for her own safety.

Kennedy explained that when they attempted to put Williams back into the patrol vehicle she "would not go back in." She related that Officer Hadfield stayed on the driver's side with Williams while Officer Moyer went to the passenger side. She believed that Moyer took Williams by her feet. She related that she heard the officers telling Williams to "knock it off" and to "calm down." Kennedy indicated that her physical contact with Williams was limited to trying to assist in getting her shoulders into the patrol vehicle when she resisted re-entering.

Kennedy related that when they tried to slide across the seat to get her in the vehicle, Williams was yelling, screaming, kicking, and spitting. Kennedy explained that her view was mostly blocked by Officer Hadfield (she was on his left side). However, she could see a portion of William's feet kicking. Once Williams was in the patrol vehicle, she was transported to Crisis (York Hospital).

Kennedy did not see either officer strike Williams. The investigator asked if they had struck Williams, if she believed it would be justified. Kennedy indicated that she thought it would be

justified. The investigator then asked her what the justification would be and she related that Williams was kicking, the leg shackles are heavy metal; this danger would justify the strikes.

Kennedy was asked if she has ever seen the mobile video recorder footage of this incident. She explained that she has seen a limited portion of the video on You-Tube.

Officer Kennedy did not recall speaking to Mary Ryan. The investigator explained that Mary Ryan had said she heard Officer Kennedy say “that was inappropriate” in reference to what had occurred in the vehicle. Kennedy denied saying that to Mary Ryan or to anyone else at the scene.

Corporal Brian Alu: Attracted by the commotion outside, he left the residence. He spoke to the other officers (Moyer, Hadfield and Kennedy) who told him that Williams was still fighting with them, kicking the car windows, etc. The officers also told Alu that they were okay and that Williams was back in the vehicle. Alu indicated that he then returned to his interviews inside the residence.

When he spoke to Officer Moyer and Hadfield later, they indicated that Williams had been kicking at them and spitting on them. Alu asked the officer if they were injured and they replied that they were not. The officers agreed to take her to York Hospital for a mental health evaluation and to charge her with Aggravated (for the alleged assault against the officers) and Simple assault (for the alleged domestic assault). Alu related that he called Sergeant Stump (Springettsbury PD) to inform him of the incident. Officers Hadfield and Moyer were directed by supervisors to get checked out at the hospital due to being spit on.

Alu was asked about the mobile video recorders in their police vehicles. Alu indicated that the camera starts automatically when the lights are activated. He also related that their department requires the camera to be activated and turned to rear when a prisoner is in the back seat. Alu related that Hadfield would have had to have manually started the camera and manually set it to record the back seat.

The investigator asked Alu about tie rope restraints. He indicated that his department does have leg shackles (kept in the patrol vehicles) but that they do not have tie rope restraints.

Officer Gregory Hadfield: Once in the police vehicle, Williams continued to scream and was kicking the glass partition. Hadfield articulated that he feared that if Williams broke the glass she would cut her feet (because she was not wearing shoes).

He then explained that the officers decided to place Williams in leg shackles to attempt to restrict the movement of her legs and reduce the force of her kicks. They pulled Williams out of the vehicle and placed leg shackles on her. He later explained that there are no tie rope restraints in their Department vehicles. They then placed her back in the vehicle. Hadfield indicated that he attempted to place a seatbelt on Williams. When he reached to do so, he explained that Williams pivoted and kicked him in the right shoulder and spit in his face.

Hadfield related that his hands were the only “tool” readily available to respond to William’s actions. Hadfield indicated that he punched William’s face to stop her from kicking and spitting at him. I later asked him where he was aiming this strike. Hadfield replied that he cannot say he was aiming for William’s face. He related that things happened quickly and he was trying to stop her from spitting in his face.

Hadfield said that the strike was the most readily available use of force he had to stop her actions. He explained that Williams fell toward the middle of the car and that he reached into the vehicle to gain control of her. He "took another swing at her" that he believed contacted Williams arm.

Hadfield indicated that Moyer then entered the passenger side of the car and that they were able to get her up and seated again. He recalled that he pushed her chin or chest and held her against the seat while Officer Moyer was attempting to get her seatbelt on. He explained that he did this because Williams had turned toward Moyer. She was kicking at him and spit in Moyer's face. When asked later Hadfield indicated that Moyer reacted by getting on top of Williams and throwing a punch at her. They were eventually able to get her secure enough to transport her to the hospital.

The investigator reminded Hadfield that en route to the hospital Williams had complained about Officer Moyer choking her and striking her before she did anything to him. The investigator then asked Hadfield if he had responded to Williams by saying, "I agree, it's not right for him to do that, you can charge him for that." Hadfield indicated that he did not remember saying that until he watched the video back. He explained that he only agreed with Williams because he was trying to get her to calm down and avoid further confrontation. Hadfield also explained that he meant that if Williams wanted to make a complaint against Moyer she should go ahead and file one.

At the hospital, Hadfield remembered that Williams kicked and screamed until the staff sedated her. He also related that William's hair got in her mouth at the hospital at one point and she was complaining about it (she could not remedy it because of restraints). Hadfield said that he removed her hair from her mouth for her. Hadfield did not recall seeing any injuries on Williams nor did her remember her claiming any injuries. He concluded by saying that he wasn't trying to do anything wrong to Williams but rather, attempting to stop her from assaulting he and Officer Moyer.

Officer Hadfield's testimony at the Preliminary Hearing was that upon arrival he heard yelling within the residence. Upon entering he observed Joe Ryan Jr. holding Ms. Williams down. Ms. Williams was trying to get up all the while cursing and screaming and making comments about wanting to kill herself. Officer Hadfield told Joe Ryan Jr. to get up and Officer Hadfield in turn grabbed on to Ms. Williams. After telling her to get it down and her refusal he used what he termed a compliance strike to her ribs with his knee. Ms. Williams went down and was handcuffed.

Officer Hadfield advised that he and officer Moyer had to physically pick Ms. Williams up and dragged her out of the house. Upon exiting the residence she got louder and started screaming. She was taken to the patrol car where she immediately began to lean back get her legs up and start kicked the plastic partition.

She was then removed from the vehicle in order to place leg shackles on her. Once applied, she was then physically picked up and placed into the vehicle. While Officer Hadfield was attempting to place the seatbelt on Ms. Williams with his right arm, Ms. Williams was leaning forward to prevent that from being accomplished. Officer Hadfield pushed her back to ensure that the seatbelt got secured. Ms. Williams leaned forward attempting to prevent the seatbelt from being attached. She then leaned back brought her knees up to her chest and kicked Officer Hadfield in the right arm and chest and spit on him. She then brought her knees up to her chest as if to strike

again and Officer Hadfield struck her in the face. Officer Moyer then entered the rear passenger side. She then kicked Officer Moyer striking him on the right leg and spitting on him. Officer Hadfield believed at that point the seatbelt was secured.

The decision was made to take Ms. Williams to York Hospital and seeking involuntary admission under the mental health act section 302. During the transport she continued to make statements that she wanted to kill herself, and otherwise being disruptive. At the hospital again officers Moyer and Hadfield had to carry Ms. Williams inside. She continued her profanity towards the office staff and it took several hospital security staff and both officers to restrain her on the bed and in order that the handcuffs might be removed.

Officer Chad Moyer: Moyer recalled that Hadfield turned the in car camera on (he later explains that this was done manually by Hadfield and that it would not automatically come on in this situation). He recalled that Williams continued to yell and make suicidal comments. At this point Moyer explained that they had detained Williams in order to gain control of her (Moyer later added that the pre-existing information they had (suicidal, being held down, disorderly, etc. indicated that she should be detained upon their arrival)). He indicated that the officers then began to conduct investigation into what had occurred prior to their arrival.

Moyer explained that as they were conducting their investigation he observed Williams starting to kick the glass partition, yelling, screaming, etc. in the back seat of the patrol vehicle. Moyer related that Hadfield then opened the door to see if he could calm Williams down. It was at that point that Hadfield asked Moyer to get leg shackles so that her ability to kick would be limited.

Moyer remembered that Hadfield removed Williams from the patrol vehicle and the officers applied the leg shackles to her. He recalled that as the leg shackles were placed on her, she struggled and yelled. Williams was then placed back in the vehicle where she continued to kick the partition and asked the officers to close the door so she could bang her head. Later in the interview the investigator asked Moyer if his department has tie-rope restraints that could have been used. He indicated that they do not.

Moyer indicated that Hadfield alerted him that he was going to attempt to place a seatbelt on Williams to limit her ability to kick the partition. Later in the interview Moyer was asked if his department requires a seatbelt for prisoner transport and he indicated that it does not. Moyer related that they wanted to limit William's ability to injure herself during transport.

Moyer related that when Hadfield opened the door, he observed some type of struggle between Hadfield and Williams. He could not tell exactly what occurred, but he ran to the passenger side door to attempt to assist Hadfield. Moyer indicated that as he entered the vehicle and reached for Williams, she turned toward him and kicked him once in the middle of his right thigh. After that kick, Moyer related that Williams pulled back and kicked him again in the groin area. After the second strike, Moyer indicated that Williams pulled back her legs again and he thought she would kick him a third time.

He explained that he felt a need to defend himself to prevent Williams from kicking and so he delivered a compliance strike with his right fist to her upper body. Moyer also related that everything occurred very quickly. Later in the interview Moyer was asked if he considered using any other use of force options instead of his fist. He replied that he did not feel that he had time or sufficient space to use other options. He felt that a strike was his only option. Moyer did not believe that the strike ever actually made any contact with Williams.

Moyer explained that after he used the strike he stated "if you kick me again I'm going to fucking drill you." Moyer related that he knows now that his language was not appropriate or professional. Moyer indicated that after he threw the strike he cocked his hand back by his ear. He explained that he did that so that if Williams attempted to kick him again, he would be prepared to use another compliance strike.

Moyer remembered that he then moved closer to Williams where he was able to place his left forearm across her right cheek. This directed her face away from him and towards Officer Hadfield. He explained that he did this to prevent Williams from being able to see him to aim additional kicks. Later in the interview the investigator asked Moyer if it was possible that his arm was on or near William's neck. He denied that it was. Moyer also denied placing his arms or hands anywhere near William's neck at any point during the interaction. Moyer indicated that Hadfield was still attempting to place a seatbelt on Williams at this time. Moyer could not recall if they were ever successful in applying the seatbelt.

Moyer explained that as he removed his forearm from Williams and attempted to exit the vehicle, Williams turned toward him and spit onto his chest. Moyer related that he told her, "do not spit on me." Moyer indicated that he was concerned about any communicable diseases that Williams might have. He also related that he was one foot or less away from Williams at the time. Moyer indicated that Williams then spit at him a second time; this time in his face. Moyer explained that he actually felt the spit make contact with his face- close to his eyes.

Moyer related that because of his close proximity to her, he again felt the need to defend himself to prevent her from spitting on him again. Moyer indicated that he then swung his right hand with an open palm to her face. He described the strike as a compliance strike. He later stated that his goal was to stop Williams from spitting on him again. Williams then pulled up her legs and kicked at Moyer's chest area. Moyer then related that he decided that the seatbelt was not worth getting kicked again and he exited the vehicle.

Moyer indicated that he informed his supervisor, Cpl. Alu that Williams had spit on him. He then received direction from his supervisors to follow Hadfield as he transported Williams to the hospital. Cpl. Alu also instructed Hadfield and Williams to get treated at the ER for exposure to William's bodily fluids.

Once at the hospital, Moyer explained that he and Hadfield had to physically remove Williams from the patrol vehicle, pick her up, and take her into the Emergency Room (ER). The officers then un-handcuffed her and with assistance from the hospital staff restrained her to the hospital bed (with hospital restraints).

Moyer explained that Williams continued to struggle, yell at hospital staff, etc. after the hospital restraints were applied. He indicated that hospital staff asked the officers to remain on scene because of William's agitation. Moyer remembered that after some time, Williams began to calm down and hospital staff told the officers they could leave.

The officers then left Williams in the care of hospital staff and went to get treated for the exposure to William's saliva.

Moyer indicated that he was aware that this incident was being audio/video recorded while it was happening because he observed Hadfield turn the camera on (and he knows that the audio comes on automatically when the camera is started). Moyer summarized at the end of the interview by stating that he wanted to make it clear that it was not his intention to beat or brutalize Williams. Rather, his goal was to assist Officer Hadfield, to restrain Williams, make her safe, and to get her calmed down. He also indicated that when Williams kicked at him and spit at him he felt he had to defend himself.

MOBILE VIDEO RECORDER FOOTAGE: As part of the investigation, Springettsbury police turned over to the Pennsylvania State Police investigator the mobile video recorder (or “dash-cam”) footage of the relevant portion of this incident. The entirety of the footage was reviewed by both the investigator and the author and portions of it have previously been released to the media by counsel for Ms. Williams. Notable points of interest as found by the investigator are as follows:

Time:	Note:
00:01	It appears that Patrolman Hadfield intentionally starts the recorder and sets it to record the back seat.
00:05	WILLIAMS says that she wants to die and kicks the partition in the patrol vehicle repeatedly.
00:35	A female officer can be heard warning WILLIAMS that if she continues to kick the vehicle they will use leg shackles.
01:00	WILLIAMS exits the vehicle and can be heard yelling at her boyfriend
01:45	WILLIAMS is back in the vehicle. She appears to say “Don’t put that fucking ??? on me” (indecipherable). Officer HADFIELD strikes her and appears to follow-up with another strike. He says “Don’t do that again” to WILLIAMS.
02:00	Officer MOYER comes into the back seat from the passenger side. He appears to strike at WILLIAMS twice.
02:05	Officer MOYER says “You fucking kick me again; I’m gonna fucking drill you.”
02:20	Officer MOYER appears to say “stop spitting on me.”
02:24	Officer MOYER appears to slap WILLIAMS with an open hand. WILLIAMS appears to kick at him multiple times. Officer MOYER’s left arm is obscured but appears to be extended out toward WILLIAMS.
05:10	WILLIAMS says, “ I’ll press charges on him for punching me in the head before I even touched him.”
05:34	Officer HADFIELD says “I agree it’s not right for him to do that.”
08:31	WILLIAMS says, “You and your 20 year old buddy choked me.”
10:10	WILLIAMS says, “You and that piece of shit that choked me.”
10:46	WILLIAMS says, “I hope he [MOYER] gets in an accident on the way to the police station.”
11:30	WILLIAMS refers to MOYER putting his hand around her throat.
11:40	WILLIAMS refers to her boyfriend (Joe RYAN, Jr.) punching her in the temple.
11:55	Officer HADFIELD says that he does not want WILLIAMS to die.
12:51	WILLIAMS says, “putting his [MOYER] fingers around my throat... I’ll rip his balls right off.”
13:00	Officer HADFIELD says, “I don’t want you dead, that’s why we are coming here

	[Hospital].”
13:10	WILLIAMS says, “he put his hand around my throat, I’ll kill his ass.”
13:51	Video ends when car stops at York Hospital.
Various	WILLIAMS yells, indicates a wish to die, and kicks at the partition at various times throughout the footage.

- Note: Because of obstructions (seat, officer’s hat, etc.) the involved officer’s allegations that they were kicked and spit at by Williams cannot be confirmed or refuted. It is notable that Hadfield says “Don’t do that” at 01:45. It is also notable that Moyer says “stop spitting on me” at 02:20.

MEDICAL RECORDS

Ms. Williams was initially taken by the officers to **YORK HOSPITAL**. The records indicate that Williams was attended to by hospital personnel on April 2, 2011 from approximately 4:00 a.m. through 9:00 a.m.. The following are excerpts of interest from the medical record:

Page 3	“Erythema / Wrist / Bilateral”
Page 3	“Abrasion / Ankle / Right / Closed / Resurfaced, Open to air”
Page 7	“Erythema / Rib / Right, Lateral”
Page 10	“Mood Swings / Bipolar: Yes”
Page 11	“Behavioral Signs/Symptoms: Combative, Impulsivity, Uncooperative, Suicidal or Homicidal ideation.”
Page 14	“She denies any pain other than some mild pain in her right rib cage secondary to the arrest.”
Page 16	“Patient is rather restless in moderate distress. She is yelling and screaming that she is suicidal, the world is coming to an end and she is going to die....”
Page 17	“Alcohol Screen: 212 mg/dL”
Page 18	“...After she was reevaluated while sober, it became apparent the patient was much more calm and a more clear interview could be pursued. The patient denies any suicidal ideation at this time. She does admit that she made the threats last night because she was intoxicated and extremely upset secondary to her domestic situation and to being arrested...”
Page 20	“ED Restraint / Reclusion Orders: 4 point restraint, Danger to Self, Danger to Others”
Page 34	“Patient now for discharge to police department. Has been seen by crisis intervention. The 302 complaint has been denied.”
Page 34	“...Pt reports drinking liquor and beer, pt reports she was going to take Seroquel as a suicide attempt. Pt denies CP/SOB/N/V. Pt reports L temporal pain, where pt’s boyfriend hit her. No deformities or bruising noted. Pt reports she is also having R rib pain and states ‘police put there (sic) knee in my side.’ Pt has sm amt of erythema along R lateral rib cage....”
Page 34	“Pt attempting to strike out while in 4 point restraints, pt cursing, stating ‘just let me die, kill me.’ Pt given IM Haldol and Ativan...”
Page 45	“CT/CTA Scan: There is no evidence of infarct or hemorrhage...”
Page 45	“General Radiology: A single portable AP view of the chest was obtained.... The lungs are clear. The cardiac size is normal. The bones are soft and tissues are

	unremarkable.”
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Note: 212 mg/dL of alcohol equates to a BAC of 0.212% for Ms. Williams. This blood test was taken at approximately 4:25 a.m. on 04/02/11.

Note: “Erythema” is defined as “redness of the skin...” by medical-dictionary.com.

Note: Several times in this medical record the phrase “images currently included in the form version of this document have not been included in the text rendition version of the form.” The investigator contacted York Hospital Medical Records and they indicated that this phrase refers to medical images (X-rays, MRIs, etc.) and not to actual photographs. The medical images were not provided due to cost but the medical report for all medical images is contained within the records that were reviewed.

MEDICAL RECORDS – YORK COUNTY PRISON:

Williams was admitted to York County Prison on April 3, 2011 at 3:51 a.m. and released on the same day at 6:46 p.m. after approximately 15 hours incarceration..

Her medical records at the prison indicate that Williams was attended to by prison medical personnel on April 3, 2011 at 6:21 am. The records also appear to indicate that Williams was asked if she needed immediate medical attention and responded in the negative. Williams does indicate previous psychiatric hospitalization/treatment and previous suicide attempt(s). The records also list “Bruising: Rt. side of ribs.”

Also reviewed as part of the investigation was arrest photograph of Williams taken on the date of incarceration. The photo does not appear to depict any injuries.

MEDICAL RECORDS – GOOD SAMARITAN HOSPITAL:

Through, Ms. William’s civil counsel, it was learned that she had received follow-up treatment at Good Samaritan Hospital. Those records were obtained and indicate that Williams appeared for treatment on April 3, 2013 and April 10, 2013. Of note is that the time of these appearances was almost two years after the event. Each time she requested that an X-ray be taken of her right ribs to prove that there was a fracture. On April 4, 2013, Williams was turned away since the request was not deemed “a non-emergency” and instructed to have the requested X-ray ordered through her family doctor.

On April 10, 2013 an X-ray was performed at Good Samaritan Hospital. The radiology report indicates that “There is a fracture to the right mid lateral ninth rib of undetermined age. This may be an acute/sub-acute fracture.”

TRAINING RECORDS – MPOETC As part of the investigation the investigator contacted the Municipal Police Officers’ Education and Training Commission (MPOETC). The investigator was seeking information regarding the training records of Patrolman Moyer and Patrolman Hadfield. These records were provided by Trooper Paul Anderson of the Pennsylvania State police.

The records included:

- A list of training courses taken by each officer.
- A curriculum / lesson plan for Use of Force training at MPOETC.

Also received was the following information regarding Patrolman Moyer:

- Certification Number 38155
- Started Employment on 07/07/08
- Attended Harrisburg Area Community College Police Academy from 07/07/08 through 11/21/08

The following information was received for Patrolman Hadfield:

- Certification Number 34859
- Started Employment on 07/05/05
- Attended Basic Academy in Wayne County, Michigan from 01/2002 through 05/2002

Pennsylvania maintains reciprocity with the Michigan Commission on Law Enforcement Standards (MCOLES). Hadfield would have had to have completed the academy in Michigan and be a full time police officer in Michigan to be eligible for a waiver of Pennsylvania training.

SPRINGETTSBURY TOWNSHIP POLICE DEPARTMENT CASE FILE: Springettsbury Township PD provided a copy of their case file (2011-0402-M0006), which was also reviewed. It is notable that the officer's original reports contain references to all the use of force that is alleged and seen in the video.

EXPERT OPINION: As a key component of the investigation, the police "dash-cam" footage from this incident was submitted for expert review. In the past, when concerns about police conduct has occurred, the Pennsylvania State Police Internal Affairs Division has used Sgt. Charles Mory (PA State Police – Academy) for review of use of force video/audio. His professional opinion of how the conduct relates to police academy instruction is then sought.

Sgt. Mory is certified (MPI #1035, expires 03/31/14) to teach "Application of Force" in the Pennsylvania Basic Training Program (otherwise known as "Act 120 Training"). Because of this certification, the investigator and this author believed he would be able to apply the officers' training to the submitted video and render a professional opinion as to the appropriateness of their actions.

Sgt. Mory was provided with a copy of the police "dash-cam" footage from this incident. He agreed to review the video and to render an opinion. No details of the case were provided to Sgt. Mory other than the police "dash-cam" footage. Sgt. MORY exclusively reviewed the video without access to medical records, interviews, or other details of the case.

Sgt. MORY's written opinion of the officer's actions and how it related to the use of force training that he is certified to provide together with the resume of his training and experience is attached. His conclusion was that the officers acted reasonably under the totality of the circumstances.

Statement of the Question and Applicable Law as applied to the Facts

At issue is whether the facts surrounding the event previously described justify the filing of criminal charges against Officer Hadfield, Officer Moyer or both. More specifically, is the charge of either harassment or simple assault against one or both officers appropriate.

Under the Crimes Code 18 Pa.C.S.A. § 2701 a person is guilty of simple assault if he attempts to cause, or intentionally, knowingly, or recklessly causes bodily injury to another. Bodily injury is defined in 18 Pa.C.S.A. § 2301 as impairment of physical condition or substantial pain.

A person commits the crime of harassment, 18 Pa.C.S.A. § 2709, when, with the intent to harass, annoy or alarm another, the person strikes, shows, kicks, or otherwise subjects the other person to physical contact or attempts or threatens to do the same.

To determine whether criminal responsibility exists in use of force situations several factors must be considered. These factors include but are not limited to, the totality of the factual circumstances of the case, the United States and Pennsylvania constitutions, the Pennsylvania crimes code and the general principles of justification set forth therein, applicable case law,

The fourth amendment requires peace officers to use only an amount of force that is objectively reasonable in light of all the surrounding circumstances. Graham versus Connor, 490 U. S. 386,397 (1989). Assessing the level of permissible force "requires a careful balancing of the nature and quality of the intrusion on the individual's fourth amendment interests and the countervailing government interests at stake." The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham versus Connor 490 U.S. at 396 – 397. With respect to a claim of excessive force the standard of "reasonableness at the moment applies:" Not every push or shove, even if it may later seem unnecessary in the piece of a judge's chambers, violates the fourth amendment. Nor is it a violation of the fourth amendment that the officer used more force than was necessary so long as he reasonably believed it to be immediately necessary.

Pennsylvania embodies the test of reasonableness in providing latitude to police officers. The applicable statute is found at 18 Pa.C.S.A. § 508 (a) (1):

A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to affect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest.

To establish the elements of either criminal charge however, the Commonwealth must go beyond a fourth amendment analysis and focus and prove the intent of the actor. Was he acting in good faith or were his actions malicious and sadistic? Both officers in their interviews justify their

conduct on legitimate grounds. The facts speak clearly to the fact that Ms. Williams was out of control the entire time, both before the officers arrived and continuing even after she had been taken to the hospital. She was intoxicated and by her own admission has only a partial memory of the events of that evening.

The facts are also clear that the officers used force in an effort to secure Ms. Williams both in the residence and within the vehicle. It is the latter force which was the subject of media interest after being publicly released by Ms. William's civil counsel.

For this reason the video recording of what occurred within the vehicle was submitted to a use of force expert utilized by the Pennsylvania State police for determination as to whether excessive force was used under the circumstances in which the officers found themselves. The resume of this expert and his opinion are attached in full to this decision. The expert's conclusion was that the two officers who used force did so reasonably under the totality of circumstances confronting them. In the opinion of the expert, their perceptions and actions were reactionary in nature and their force options, although poor choices must be weighed against officer perceived threats, the volatility and fluidness of the situation, the need for immediate control, and sustained injuries. Of interest is the recommendation that tie ropes be available for use by officers in the future.

As to the conduct within the residence, which may or may not have been the cause of a broken rib which was confirmed two years after the event, Joe Ryan Sr., when asked if he thought the officers were attempting to injure Williams or attempting to gain control of her related that in his opinion the officers did not use excessive force. In his opinion, the officers used the force that was necessary to control the situation. Joe Ryan Sr., who indicated he is former military and familiar with arrest procedures, believed the officers controlled themselves in a professional manner. He felt that they had to subdue Williams to be able to arrest her.

Joe Ryan Jr, when asked if he felt the conduct of the officers inside the residence was malicious in nature advised that he thought the officer was trying to get control but it was "in a forceful manner the way it looked."

The Officers were utilizing their valid arrest powers to restrain an out of control individual. Given the opinion of those on scene and a recognized police expert in use of force, it cannot be said that the actions of the officers amounted to criminal conduct.

Accordingly, Officer Moyer and Officer Hadfield's conduct is not sanctionable under the criminal statutes and no criminal action would lie.

Conclusion

In the instant case, the issue is whether the force that was used by the officers was unreasonable under the circumstances. With regard to the mental state of the officers, both verbalized their intention was to control an out of control situation and it was never their intent to abuse Ms. Williams. This was confirmed by those observing the conduct and by an expert in the police use of force. Accordingly, the use of force in this matter is insufficient to bring criminal charges.

The matter is now closed.